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15 GOOGLE LLC

16 UNITED STATES DISTRICT COURT  
17 NORTHERN DISTRICT OF CALIFORNIA  
18 SAN FRANCISCO DIVISION  
19

20 MISAEL AMBRIZ, individually and on behalf  
of all other persons similarly situated,

21 Plaintiff,

22 v.

23 GOOGLE LLC,

24 Defendant.  
25  
26  
27  
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Case No. 3:23-cv-05437-RFL

Assigned for all purposes to the Honorable  
Rita F. Lin

**GOOGLE LLC'S NOTICE OF  
PENDENCY OF OTHER ACTION OR  
PROCEEDING**

[Northern Dist. L.R. 3-13]

Complaint Filed Oct. 23, 2023

**TO THE COURT, ALL PARTIES, AND THEIR ATTORNEYS OF RECORD:**

Pursuant to Local Rule 3-13, Google LLC (“Google”) hereby provides notice of pendency of another action involving a material part of the same subject matter and substantially the same parties. The other action, *Christopher Barulich v. Google LLC, Home Depot, Inc.*, Case No. 2:24-cv-01253 (C.D. Cal.) (“*Barulich*”), is pending before the Honorable Fernando L. Aenlle-Rocha and was filed on February 14, 2024 and served on Google on February 22, 2024. Google’s current deadline to answer or otherwise respond to the initial *Barulich* complaint is currently May 13, 2024. Attached as Exhibit 1 hereto is a true and correct copy of the *Barulich* Complaint.

This action and *Barulich* are both putative class actions brought on behalf of individuals alleging that Google violated the California Invasion of Privacy Act (“CIPA”), Cal. Pen. Code § 631(a), through its Cloud Contact Center Artificial Intelligence (“CCAI” or “GCCCAI”) service. In both actions, the named Plaintiff alleges he called the customer service line of a Google customer (in *Barulich*, Home Depot, Inc., and here, Verizon Communications, Inc.) that used CCAI. In both cases, the named Plaintiffs allege they spoke to live customer service representatives while the software provided assistance to the live agent in the background. *Compare Ambriz* Compl. ¶ 36 (“Google, through GCCCAI, eavesdropped on Plaintiff’s entire conversation with the Verizon human customer service agent. Specifically, a Google session manager monitored the conversation between Plaintiff and Verizon, and Google, through GCCCAI, transcribed Plaintiff’s conversation in real time, analyzed the context of Plaintiff’s conversation with Verizon, and suggested “smart replies” and news articles to the Verizon agent Plaintiff was communicating with.”), *with Barulich* Compl. ¶ 26 (“Google, though its Cloud Contact Center AI, surreptitiously listened in and monitored Plaintiff’s communications with Home Depot. Google used this CCAI technology to transcribe Plaintiff’s conversations in real time, analyze the contents of Plaintiff’s communications, and suggest possible replies to the live Home Depot agent on the phone.”).

Google does not believe that a Multi District Litigation transfer pursuant to 28 U.S.C. § 1407 is necessary at this time, given that only two actions have been filed. However, Google believes the two actions should be coordinated and will move to transfer and consolidate the two matters, which, given the significant factual and legal overlap between the actions, is necessary to

1 avoid conflicts, conserve resources, and promote an efficient determination of the action. On  
2 March 12, 2024, counsel for Google emailed Plaintiff's counsel in *Barulich* to inquire whether they  
3 would agree to voluntary consolidation of the *Barulich* case with *Ambriz*; Plaintiff's counsel stated  
4 they did not believe consolidation was appropriate.

5 Dated: March 14, 2024

COOLEY LLP

6  
7 By: /s/ Kristine A. Forderer

8 Kristine A. Forderer

9 Attorney for Defendant  
10 GOOGLE LLC